

**REMARKS**

Applicants have carefully considered the Office Action dated November 10, 2004 regarding the above-identified application, and the amendments above together with the remarks that follow are presented in a bona fide effort to respond thereto and address all issues raised in that Action.

As an initial matter, it is noted that the Action addressed claims 1-14, apparently with reference to the form of those claims as contained in the original application text. Such an Action is clearly in error, because the claims were preliminarily amended in a document filed October 12, 2001. The amended claim set pending at the time of the Action, for example, further included claims 15-18, which were not examined in the November 10, 2004 Office Action. Consideration of all of the pending claims is respectfully requested. Since some pending claims were not considered (or rejected) in the first Action, if the next Office Action includes a rejection of any of those claims, the next Action should be non-final, since any such rejection would be necessitated by the omission of claims 15-18 from treatment in the first Action, not by Applicants' amendment above.

In response to the Office Action, the claims have been amended. It should be noted that such new amendments are presented with respect to the form of the claims (1-18) that should have been pending and examined as of November 10, 2004. As such, the claim amendment above shows changes made to the claims from their state presented in the October 12, 2001 preliminary amendment.

The claims have been amended to address art rejections. However, the claims also have been amended so as to improve grammar or to insure clarity. Unless specifically referenced as a distinction in a traversal of an art rejection below, it is believed that revised claim language only

provides non-substantive clarification and does not narrow the scope of any amended claim. Care has been taken to avoid entry of new matter.

Although not specifically required in the Office Action, the Abstract has been replaced, in order to limit the Abstract to a single paragraph and to eliminate legal terms such as “means,” as required by the applicable rules.

Prompt favorable reconsideration of this amended application is requested. Specific issues raised in the Action are addressed below.

The Office Action included a rejection of un-amended original claims 1-11, 13 and 14 under the sixth paragraph of 35 U.S.C. §112 for inadequate disclosure of the elements performing the functions specified in “means-plus-function” clauses in these claims. This rejection is respectfully traversed. The specification and drawings identify elements in the various system components by the exact same terms used in the claims.

Consider claim 1 as an example. The apparatus of claim 1 includes three “means” elements: a user-designated information acquiring means, a user-designated information notifying means, and a user-designated information accuracy setting means. Fig. 2 shows a first of several detailed examples of an in-home device 113 for function control of audio or video reproduction (see e.g. specification, page 9, lines 20-23). As shown in that drawing, the exemplary in-home device 113 includes among other elements: a user-designated information acquiring means 202, a user-designated information notifying means 203, and a user-designated information accuracy setting means 205. As such, Fig. 2 depicts the exact elements claimed, and the application text provides a detailed description thereof.

Continuing with the example of claim 1, the specification states that the in-home device, that is to say the exemplary in-home device 113 that includes the three means elements, may be

implemented by hardware such as a CPU and memory or the like and software such as programs and data or the like. Other configurations of data processing means for implementing the device also are disclosed. Attention is directed to the detailed description on these points regarding implementation of the in-home device, on page 13 (lines 13-27) and page 14 (lines 1-13) of the specification.

It is respectfully submitted that the above-noted drawings and description provide an adequate disclosure of the structure, material or acts necessary to perform the functions of the in-home device, including the three means elements of exemplary claim 1, therefore the disclosure satisfies the requirements of 35 U.S.C. § 112, sixth paragraph for support of means-plus-function claim elements of that claim. It is believed that means elements of the other rejected claims find similar support in the drawings and description. Hence, means-plus-function elements of claims 1-11, 13 and 14 are adequately supported. For these reasons, it is respectfully submitted that the 112, sixth paragraph, rejection is improper and that the rejection should be withdrawn.

Claims 1-3 and 5-14 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,691,158 to Douvikas et al. (hereinafter Douvikas). This rejection is traversed.

The apparatus of independent claim 1 includes means for acquiring sequential user-designated information including contents selection information. The claim specifically recites that the acquired information changes in accordance with time. The apparatus also includes means for providing a notification of the acquired information to an external device. The notifying means is controlled according to the accuracy setting information, to cause the notifying means to thereby log information which changes in accordance with time as the notification to the external device. The log information is obtained by restricting the sequential user-designated information according to the accuracy setting information. As disclosed, the log

information represents a log of usage or operation of an audio/video device or a log of usage of an appliance. In the audio/video device example, the sequential user-designated information (Page 9, line 2) is information such as history of a user's program viewing (Page 9 line 24 – page 10 line 2: "The AV function control means 201 notifies...as user-designated information").

As noted, the apparatus of claim 1 acquires sequential user-designated information that changes in accordance with time, and a log produced by restricting that information in accord with the accuracy setting data is sent to an external device, e.g. as a report of program viewing which has a set degree of accuracy. Dovikas does not disclose such an apparatus or the claimed means elements. The user data record described in Douvikas (e.g. col. 6, line 2) is a fixed information, such as Name (Fig. 7A: 720), which is set depending on the particular user. The fixed information is not sequential information which changes over time, as acquired and processed to restrict information and form the log, in the device of claim 1.

In view of these distinctions, Douvikas does not anticipate claim 1 or any of the claims (2-8 and 15-18) that depend from claim 1. The anticipation rejection should be withdrawn with respect to claims 1-3 and 5-8, and the rejection should not be applicable to claims 15-18.

Claims 9 and 10 have been amended to specify that each claimed apparatus is for restricting sequential user-designated information which changes with time, in accordance with accuracy setting information. Although the scope of the two claims differ somewhat, each of these two claimed devices includes means for receiving and accumulating log information which changes in accordance with time and corresponding log accuracy information. As noted above, the user data record described in Douvikas (e.g. col. 6, line 2) is a fixed information, such as Name (Fig. 7A: 720), which is set depending on the particular user. The fixed information is not sequential information which changes in accordance with time, therefore, Douvikas does not

disclose a device restricting sequential user-designated which changes with time, in accordance with accuracy setting information. For example, Douvikas does not disclose the claimed means for receiving and accumulating log information which changes in accordance with time and corresponding log accuracy information. In view of these distinctions, Douvikas does not anticipate either claim 9 or claim 10.

Claim 11 relates to a contents delivery control device, such as a device 101, 1304 or 1410 shown in Applicants' drawings. The claimed device includes a contents recording means for storing contents information. The stored contents information includes substantial contents information, that is to say the real or actual contents, as well as contents selection information. The selection information is information based on restricted information received as log information from the information processing apparatus. The restricted information is sequential user-designated information which changes over time, such as a user's contents selection information. The sequential information is restricted in accordance with accuracy setting information specifying a ratio of disclosure of the user-designated information to an external device. As noted above, the user data record described in Douvikas (e.g. col. 6, line 2) is a fixed information, such as Name (Fig. 7A: 720), which is set depending on the particular user. The fixed information is not sequential information that changes over time, therefore, Douvikas does not disclose a device that stores contents information and contents selection information, where the contents selection information is information based on restricted information comprising sequential user-designated information which changes over time. Hence, Douvikas does not meet one or more of the requirements of claim 11 and does not anticipate that claim.

Claim 12 relates to an overall contents delivery system. The system includes an information processing apparatus, a log accumulation control device and a contents delivery control device. Examples of such systems appear in Figs. 1, 13 and 14 of the present application. Of note, the information processing apparatus restricts information in accordance with accuracy setting information specifying a ratio of disclosure to an external device. The information that is restricted in this way is sequential user-designated information including contents selection information of a user. The sequential information changes over time. The information processing apparatus supplies the user-designated information as log information together with log accuracy information generated based on the accuracy setting information, to the log accumulation control device. As noted above, Douvikas does not disclose a device that restricts information comprising sequential user-designated information that changes over time. Hence, Douvikas does not meet one or more of the requirements of claim 12 and does not anticipate that claim.

Claim 13 is another system claim. In this claim, the information processing apparatus includes information acquiring means, information notifying means and accuracy setting means. The acquiring means acquire sequential user-designated information, which changes over time, and the next means provides a notification of the user designated information to an external device. The user-designated information notifying means is controlled in accord with the accuracy setting information, and it transmits log information obtained by restricting the user-designated information with the accuracy setting information. As noted above, Douvikas does not disclose a device that restricts information comprising sequential user-designated information that changes over time. Hence, Douvikas does not meet one or more of the requirements of

claim 14 and does not anticipate that claim. Claim 14 depends from 13 and should be allowable over Douvikas for at least the same reason.

Claim 4 was rejected under 35 U.S.C. §103 as unpatentable over Douvikas in combination with U.S. Patent No. 6,754,904 to Cooper et al. (hereinafter Cooper). This rejection also is traversed.

Since Douvikas does not meet all of the requirements of parent claim 1, and Cooper is not cited for the missing requirements, the combination of Douvikas and Cooper does not render dependent claim 4 obvious. It is further submitted that claim 4 specifies an additional patentable distinction over the applied documents, as discussed below.

In claim 4, the apparatus further includes pseudo information generating means. This means produces pseudo user-designated information, that is to say a pseudo version of the sequential user-designated information which changes in accordance with time, which was the “user-designated information” recited in parent claim 1. As claimed, for example, acquired user-designated information is replaced with the pseudo user-designated information, in accordance with the accuracy setting information. The disclosed objective of this feature is to make it difficult to distinguish actual user log information from the pseudo information (page 29 line 22-26: “According to the in-home device...log information can be enhanced”). In order to realize this object, the disclosed pseudo information cannot be easily distinguished from actual user-designated information (page 28 line 16-23: “The pseudo information generating means...thereby generate pseudo user-designated information”).

Cooper was applied as an alleged teaching of pseudo information generating means. Applicants submit, however, that Cooper does not have pseudo information generating means of the type claimed. Cooper actually discloses an enhanced buddy list, which adds information

about the respective TV show that each person listed as on-line may currently be viewing. The rejection cites Fig. 11, elements 1110, 1108, as an alleged teaching to substitute a “private” label. The cited elements however, do not relate to a “private” label. As disclosed, the enhanced buddy-list (Fig. 11) shows the TV show or network 1110 each listed buddy 1108 is watching. Attention is directed to column 7, lines 4-13. Viewers can turn off this feature if they do not want others to see the name of the TV show they are watching (column 7, lines 34-38, and lines 47-48), however, there is no suggestion that turning off this feature for privacy reasons would entail substituting a “private” label or any other replacement information, as alleged in the rejection. Cooper simply does not teach what the rejection alleges.

Turning off the program name display of the buddy list certainly does not suggest replacing acquired information with pseudo information as claimed. Even if Cooper taught what was alleged in the rejection, it would not lead one skilled in the art to replace acquired information in the log with information that is difficult to distinguish from actual information, that is to say with pseudo user-designated information or to replace a part of the information from the log with pseudo information in accord with a ratio or the like specified by accuracy setting information.

Hence, the combination of Douvikas and Cooper does not meet all of the requirements of dependent claim 4 and does not render that claim obvious. It should be noted that new claim 16 is similar to claim 4 but depends from claim 2 (and through 2 from independent claim 1). Hence, new claim 16 should be similarly allowable over the applied patents.

Upon entry of the above claim amendments, claims 1-18 remain active in this application, all of which should be adequately supported by the specification and patentable over the art applied in the Action. It is submitted that all of the claims are in condition for allowance.



**Application No.: 09/975,001**

Accordingly, this case should now be ready to pass to issue; and Applicants respectfully request a prompt favorable reconsideration of this matter.

It is believed that this response addresses all issues raised in the November 10, 2004 Office Action. However, if any further issue should arise that may be addressed in an interview an Examiner's amendment, it is requested that the Examiner telephone Applicants' representative at the number shown below.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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